

1 AN ACT relating to youth employment programs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 339 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section "nonprofit organization" means an organization that:*

6 *(a) Is exempt from federal income tax under Section 501(c) of the Internal*
7 *Revenue Code;*

8 *(b) Has submitted an application with the Internal Revenue Service for*
9 *recognition of an exemption under Section 501(c) of the Internal Revenue*
10 *Code; or*

11 *(c) Is a nonprofit corporation incorporated under KRS Chapter 273, an*
12 *unincorporated nonprofit association under KRS Chapter 273A, or a*
13 *domestic nonprofit limited liability company under KRS Chapter 275.*

14 *(2) (a) A nonprofit organization may create a work program to allow a minor who*
15 *is twelve (12) or thirteen (13) years of age, to work for the nonprofit*
16 *organization under the provisions of this section.*

17 *(b) Any work program established by a nonprofit organization under this*
18 *section shall exist to provide minors with life skills and employment skills,*
19 *and the primary benefit of the work performed shall be for the vocational*
20 *and educational value to the minors.*

21 *(3) Employment in a work program under this section shall:*

22 *(a) Be limited to times when school is not in session; and*

23 *(b) Not involve activities that engage in interstate commerce or the production*
24 *of goods for interstate commerce as defined in the federal Fair Labor*
25 *Standards Act, of 1938, as amended, 29 U.S.C. ch. 8.*

26 *(4) Prior to participating in a work program under this section, the parent or*
27 *guardian of the minor shall sign a written statement giving permission for the*

1 minor to participate in the program.

2 (5) A nonprofit organization may allow a minor who has passed his or her fourteenth
3 birthday but is under eighteen (18) years of age to participate in a work program
4 created under this section. Minors participating under this subsection shall be
5 subject to the gainful employment standards established in this chapter.

6 (6) The Department of Workplace Standards shall promulgate administrative
7 regulations pursuant to KRS Chapter 13A to implement this section.

8 ➔Section 2. KRS 339.210 is amended to read as follows:

9 As used in KRS 339.220 to 339.450:

10 (1) "Gainful occupation" does not include employment in farm work or in domestic
11 service in a private home, nor occasional employment by a householder in
12 connection with the household and not in connection with the householder's
13 business or occupation, such as grass cutting or carrying ashes or similar casual
14 domestic tasks, nor the delivery of newspapers on regularly scheduled routes, nor to
15 employment as an actor or performer in motion pictures or theatrical productions,
16 or in radio or television productions, nor to employment of minors by their own
17 parents or persons standing in the place of a parent in occupations other than
18 manufacturing, mining, or those found by the commissioner of the Department of
19 Workplace Standards to be particularly hazardous; and

20 (2) "Gainful occupation" does not include a minor who is at least twelve (12) years of
21 age working as a referee, umpire, or official in a youth athletic program, subject to
22 the following:

23 (a) The minor is a referee, umpire, or official for an age bracket younger than the
24 minor's own age;

25 (b) An adult representing the youth athletic program is on the premises where the
26 athletic event is occurring; and

27 (c) The minor has on file with the person responsible for assigning the minor to

1 officiate for the youth athletic program the original or a copy of a written
2 consent to the child's employment as a referee, umpire, or official signed by
3 the minor's parent or guardian.

4 **(3) "Gainful occupation" does not include the participation in a work program**
5 **established under Section 1 of this Act by a minor who is twelve (12) or thirteen**
6 **(13) years of age.**